

DISTRICT 13

2002-2003 ANNUAL PRO BONO REPORT AND PLAN

This Annual Pro Bono Report and Plan is made pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The goals of this plan are as follows:

- (1) To enable Indiana attorneys to discharge their professional responsibilities to provide civil legal pro bono services;**
- (2) To improve the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations throughout the state of Indiana;**
- (3) To ensure statewide access to high quality and timely pro bono civil legal services for persons of limited means by (i) fostering the development of new civil legal pro bono programs where needed and (ii) supporting and improving the quality of existing civil legal pro bono programs;**
- (4) To foster the growth of a public service culture within the Indiana Bar which values civil legal pro bono publico service;**
- (5) To promote the ongoing development of financial and other resources for civil legal pro bono organizations in Indiana;**

Hallmarks of an effective civil legal pro bono program

Ultimately, the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. The following hallmarks are characteristics, which enhance a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Ownership by the local bar association. The association believes the program is necessary and beneficial. The bar association makes a dual commitment: to management of the program and to participation in the program.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available. The staff and volunteers are respectful of clients and sensitive to their needs.

3. Program priorities. The program engages in a priority setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal services and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal service programs and bar associations. The programs work cooperatively with the local funded civil legal services programs. The partnerships between the civil legal services programs and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s) and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way, which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided.

11. ABA Standards. The program should be designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

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A. Abstract-

Please summarize the current status of your Committee's planning process. Your summary should include the District Committee's mission statement, a history of the organization, a description of the current legal services delivery system, as well as identification, categorization and prioritization of the legal problems experiences by indigent individuals within the counties of your District. Please include additional information you deem to be relevant to a complete description of the current status of your Committee.

Mission Statement

The mission of the District 13 Pro Bono Committee is “to promote equal access to justice for all Indiana residents, regardless of economic status, by creating and promoting opportunities for attorneys to provide pro bono civil legal services to persons of limited means.” This mission statement and the inherent goals identified by Rule 6.5 have been adopted as the purpose of the Volunteer Lawyer Program of Southwestern Indiana, Inc. The Volunteer Lawyer Program of Southwestern Indiana, Inc., intends to achieve successfully the goals and purposes of the program and to strive for high quality services by adhering to the following standards: 1) maintain client needs as the central focus of program planning and daily business operations; 2) collaborate with local bar associations, the judiciary, local civil legal service providers and community service agencies; 3) engage in priority setting processes and periodic evaluations in order to allocate program resources according to the greatest need; 4) demonstrate accountability and integrity in program quality and financial management; 5) promote high quality services through educational opportunities for attorneys, low income individuals, community service organizations, staff and board members; and 5) maintain continuity of the program and services through corporate governance and operational guidelines.

History of the Organization

Lead by Judge J. Douglas Knight, Vanderburgh Superior Court, and Judge W. Timothy Crowley, Knox Superior Court 1, the District 13 Pro Bono Committee designed a plan to promote, coordinate and facilitate pro bono efforts to supplement the existing legal aid/legal service organizations to address the demand for civil legal services for the poor. At the recommendation of the District 13 Committee, the Volunteer Lawyer Program of Southwestern Indiana, Inc. (VLP), was formed as an independent nonprofit corporation in December 2000. The members of the District 13 Pro Bono Committee became the board of directors of the VLP. With the first round of IOLTA funding, the VLP contracted with interim part-time plan administrators and began operation as a supplemental service to civil legal service providers. During the second round of IOLTA funding, the Volunteer Lawyer Program of Southwestern Indiana, Inc., the Legal Aid Society of Evansville, Inc., and Indiana Legal Services, Inc. (hereinafter referred to as VLP, LASE and ILS,

respectively) developed an application and screening system to facilitate easy access to the program without additional requirements for the applicant. Between July 1, 2001, and June 30, 2002, the VLP screened 262 applications for services and placed 119 clients with volunteer attorneys for representation or counsel and advice. Between July 1, 2001, and June 30, 2002, the VLP recruited over 231 volunteer attorneys.

Description of the Current Delivery System

Civil legal services for low income individuals are provided by the Legal Aid Society of Evansville for Vanderburgh County residents, Indiana Legal Services – Evansville¹ (district-wide, excluding Martin County), Indiana Legal Services – Bloomington (Martin County only), Indiana Legal Services, Central Intake Office (application processing only), the Evansville Bar Association Guardianship Pro Bono Program, EBA Women in Law Program, court appointed attorneys on a case-by-case basis and the Volunteer Lawyer Program of Southwestern Indiana, Inc. These programs deliver services on a means-tested basis, and according to each program's mission and case acceptance policies.

The process of identifying, categorizing and prioritizing the legal problems experienced by low income individuals within the District is unique to each service provider. During District 13's planning phase, the Committee identified the legal needs of the indigent population based on the experiences of the judiciary, legal service providers, attorneys and Committee members. VLP Priorities Committee has taken on the task of identifying case priorities and categorizing the civil legal needs of the low income population for referral to volunteer attorneys for representation. The VLP is also participating in the ILS state-wide priorities dialogue to identify needs and recommend actions. In general, civil legal services to the low income population of District 13 are provided in the following areas: domestic issues (divorce, visitation/custody, guardianship, nonsupport); housing issues (damages, substandard housing, wrongful evictions); small claims and consumer issues (debt collection, predatory lending, contract/warranties; insurance; unfair sales practices); elder law issues; special education; and income maintenance (TANF [Temporary Assistance to Needy Families], public housing, Food Stamps, Medicaid, SSI/SSD, Unemployment Compensation). Family law issues have been identified as the most prominent legal need of the indigent based on the demand for services. Of the 262 VLP applications screened between July 1, 2001, to June 30, 2002, over 200 were family law cases.

¹ It should be noted that recent developments in ILS funding will sharply affect the necessity for pro bono efforts in Indiana. ILS officials have reported that funding reductions will take place in 2003, freezing staff levels at ILS – Evansville to four full time attorneys. This means that there are only seven full time legal aid/legal service attorneys representing clients in 10 of our service area counties, and three of those attorneys represent only Vanderburgh County residents with cases in Vanderburgh County.

Volunteer Lawyer Program of Southwestern Indiana, Inc.

Summary Status Report and Plan

The VLP approach has been to coordinate administrative functioning with a central office and to collaborate extensively within individual communities so that each county has ownership and responsibility within the framework of the VLP. The unique feature of our program is the county manager who helps recruit attorneys and assign cases in his or her county. A list of current county managers is attached as Appendix [1].

County managers play a vital role in our pro bono program. These county managers match applicants with volunteer attorneys and recruit volunteer attorneys from among their peers. Some county bar associations identify an officer to serve as county manager, as in Knox County. In some cases, a judicial officer appoints the county manager. Some county managers are selected by bar representatives. As noted in Appendix 1, in Vanderburgh County and when the designated county manager has a conflict of interest with an applicant, the Plan Administrator serves as the county manager.

In order to minimize additional bureaucratic procedures and to facilitate access to program services, the VLP relies upon the Legal Aid Society of Evansville and Indiana Legal Services (Evansville office and central intake services) to process referrals to the program. Local bar associations and private attorneys direct individuals to the appropriate LASE or ILS to apply for services. Low income individuals contact LASE or ILS to apply for legal services. LASE/ILS legal staff screen applications to determine income eligibility, conflict of interest, case type and whether the organization's legal staff have the resources to accept the case for representation. If the case meets income and case type eligibility requirements but, due to limited resources or conflict of interest, must be rejected by one of the legal service providers, the case is referred to the VLP. Applicants are referred to the VLP only with his or her permission. LASE and ILS notify the applicant in writing that the case is being referred to the VLP.

When LASE or ILS refer the applicant to the VLP, the Plan Administrator reviews the application for conflict of interest, income eligibility and identifies the legal need (e.g., full representation, legal information, brief service, counsel/advise). The eligible applicant is notified in writing that the VLP has received his/her application and will attempt to locate a volunteer attorney. The initial letter provides a brief description of how the program operates and contact information. Applicants, county managers and attorneys outside Vanderburgh County are urged to contact the VLP using the new toll free number.

The case is referred by the VLP to the appropriate county manager² to begin the search for a volunteer attorney. The county manager informs the VLP when a volunteer has accepted

² The Plan Administrator locates volunteer attorneys in Vanderburgh County and in cases of conflict of interest with the designated county manager.

a particular case, and the VLP immediately informs the client in writing of the attorney's name, address and phone number. Contemporaneously, a letter is sent to the volunteer attorney with client information, sample documents and forms for program use. Upon completion of the representation, volunteer attorneys are required to complete the case closing form, a form that captures pertinent information for program monitoring. At the close of a case, the VLP sends the client a brief evaluation form to complete for program monitoring purposes.

Attorney recruitment efforts have resulted in outstanding volunteer response. For example, the attorneys of four large to mid-size firms in Vanderburgh County demonstrated leadership by committing all full time attorneys to participate with the VLP. Bamberger, Foreman, Oswald & Hahn, LLP (BFOH), one of the largest law firms in Evansville, became an early supporter of pro bono in District 13 by volunteering all 35 attorneys to the VLP. A single partner within that firm spearheaded the volunteer drive and now acts as the firm's pro bono referral "gatekeeper," tracking internally case assignments and progress. As of June 30, 2002, the attorneys of Bamberger, Foreman, Oswald & Hahn have accepted 27 case referrals from the VLP.

In other District 13 counties, the participation level has dramatically increased since last year. In Perry and Pike counties, all private practice attorneys have volunteered to participate with the VLP. In Knox County, twenty-seven attorneys, or 57% of known attorneys in the county, have accepted case referrals from the VLP since July 2001.

An independent office³ has been established in a handicap-accessible building located in downtown Evansville. The Plan Administrator is now an employee of the VLP, devoting at least 30 hour per week to the program. A legal assistant with Spanish language skills has been hired on a part-time basis to provide clerical and paralegal support. The office is open to the public every business day, with some exceptions, thus affording greater availability and ability to serve clients and develop the program.

The VLP leadership has redefined or designated barriers and problems as long term goals. Outlined below are the key strategies the VLP will follow to make progress toward lowering barriers and reducing problems. New services, refined methods and innovative opportunities not identified below may be explored during the grant period.

While the direct representation of clients is the core of the program, the demand for civil legal services for low income individuals continues to overwhelm the resources of existing legal service providers and volunteer attorneys. The VLP, in coordination with LASE, ILS, EBA and other local collaborators, is developing programs to increase volunteer participation and offer supplemental services to address the need for civil legal services. First, the VLP is coordinating continuing legal education programs targeting attorneys for

³ VLP Board members determined that an independent office would provide greater access to services by reducing the number of cases rejected because of conflict of interest.

family law, ethics and protective orders for 2002 and 2003, the first of which is the three-part course Divorce 101.

Second, in collaboration with the Evansville Bar Association, the VLP is creating an ask-a-lawyer service for direct and immediate access to legal information and advice. The program will be launched in 2003 in conjunction with the ISBA Pro Bono Day. The ask-a-lawyer service is planned to be an ongoing periodic service to the public. In conjunction with the ask-a-lawyer, applicants will be screened for additional services.

Third, the VLP is building collaborative community responses to the demand for legal information and advice such as pro se assistance at the Self-Service Legal Center of the Perry County Courthouse. Another program in development to help fulfill the demand for services is the organization of special panels of attorneys to volunteer as mediators, guardians ad litem and community education presenters. These special projects will also provide volunteer opportunities for nontraditional attorneys, such as corporate attorneys and prosecuting attorneys. In order to address the demand for direct representation, the Plan Administrator handles a limited number of cases, primarily family law, in each service county as needed, or provides the needed information to the applicant without the need for referral for full representation.

Attorney satisfaction and retention is key to the successful operation of any pro bono program. Attorneys are encouraged at every opportunity to provide feedback to the VLP about services and procedures. Screening cases and recordkeeping are integral parts of the internal quality controls. The VLP has recognized attorneys, judges and law firms for outstanding pro bono achievements and is planning other recognition events. The VLP Honor Roll of Pro Bono Attorneys was circulated with the EBA Law Day festivities. The EBA Newsletter identifies an outstanding VLP attorney or firm each month. Planning for an annual attorney recognition event is underway with the VLP Public Relations Committee.

As noted above, the VLP works extensively with the Evansville Bar Association. VLP board members encourage local bar support in our ten other service counties. The active local bar associations are crucial to attorney recruitment efforts. To date, the Plan Administrator has been invited to, and has attended, bar association meetings in Vanderburgh, Pike and Knox counties.

The VLP is collaborating with judges in our district for support of the program, recruitment of volunteer attorneys, training for attorneys and community members and access to justice opportunities. One such example is the well-received Self Service Legal Center in Perry County, designed and maintained by VLP board member Judge James McEntarfer. Also, Judge Earl Penrod of Gibson Superior Court is developing a CLE presentation about pro bono for the VLP tentatively planned for Fall 2002.

The VLP board has focused significant attention on and will continue to pursue long-term funding options. The VLP successfully obtained a grant from the Indiana Bar Foundation

to develop promotional materials. Local attorney Donald Vowels donated \$500 of attorney fees to be used to offset volunteer attorney litigation expenses. The John L. Sanders Memorial – Evansville Bar Foundation generously granted funds to the VLP for development of a website and to defray the toll free number expense. Also, Lexis/Nexis is donating its services to create a link-based website for the VLP. In addition, the VLP is investigating other funding opportunities, including annual donor campaigns and special events. Toward that end, the VLP Public Relations committee has selected a chairperson for an annual fund raising event.

Some prior program goals have not been achieved or have been delayed. For instance, VLP applications for grants from the ABA, Fifth Third Bank and the Welborn Foundation were unsuccessful. As noted above, however, the VLP will continue to seek additional funding. Also, promotional materials were developed in February 2002, and are now in circulation or are in production.

Of the 262 applicants screened since July 1, 2001, 191 (or 71%) of those clients have been helped since January 1, 2002. In short, in a six month period, 191 individual received access to services that did not exist one year ago. During this reporting year, the VLP has grown from an unknown entity into a developing community presence with widespread support. Since July 2001, the VLP has accomplished substantial progress toward its goals such as created promotional materials, achieved funding from the Commission and other sources to carry on our program, formed four board committees, collaborated with eleven counties to provide outreach and afforded at least 118 low income individuals and one nonprofit organization with access to justice.

B. DATA

1. In the following space, please list the following information about the Committee members: name, organization affiliation (if any), address, phone, fax and E-mail address. Please include what category listed in rule 6.5 (f) (1) this person is representing. Please indicate if members represent more than one organization or category. Please include the judicial appointee and if applicable the District plan administrator at the top of this page.

6.5(f)(1) category	name & organization address city, state, zip	phone/fax/email	term of service
Co-Chair, District Organizing Committee	Judge W. Timothy Crowley Knox Superior Court #1 Courthouse, Second Floor Vincennes, IN 47591	P: 812-885-2517 F: 812-895-4890 E: JudgeTC@wvc.net	By Appt.
Co-Chair, District Organizing Committee	Judge J. Douglas Knight Vanderburgh Superior Court Court Building, Room 118 825 Sycamore Street Evansville, IN 47708	P: 812-435-5112 F: 812-435-5046 E: jdknight@vanderburghgov.org	By Appt.
Vanderburgh Co. Evansville Bar Association	Ms. Susan Helfrich Executive Director Evansville Bar Association 123 N.W. Fourth Street, Suite 18 Evansville, IN 47708	P: 812-426-1712 F: 812-426-0028 E: ebash@evansville.net	2004
Vanderburgh Co. Evansville Bar Association	Mr. Dirck Stahl Ziemer, Stayman, Weitzel & Shoulders 20 N.W. 1 st Street P.O. Box 916 Evansville, IN 47706	P: 812-424-7575 F: 812-421-5089 E: dhs@zsws.com	2003
Legal Aid Society of Evansville, Inc. Legal Assistance Provider	Ms. Sue Ann Hartig, Attorney Legal Aid Society of Evansville, Inc. Civic Center Bldg, Rm 105 1 N.W. ML King Jr. Blvd. Evansville, IN 47708	P: 812-435-5173 F: 812-435-5220 E: shartig@vanderburghgov.org	2004
Indiana Legal Services, Inc. Legal Assistance Provider	Mr. Steve Culley, Attorney Indiana Legal Services, Inc. 101 Court Street, Suite 101 Evansville, IN 47708	P: 812-426-1295 F: 812-422-7332 E: steve.culley@lsio.org	2002
Knox Co.	Mr. Joe D. Black, Attorney	P: 812-882-3440	2004

Bar Association	118 N. 7 th Street P.O. Box 522 Vincennes, IN 47591	F: 812-886-8774 E:	
Daviess Co. Bar Association	Mr. Jeffrey R. Norris, Attorney 105 E. Main Street Washington, IN 47501	P: 812-254-2740 F: 812-254-4572 E: jnorris@dmrtc.net	2003
Martin Co. Bar Association	Mr. Paul J. Vogler, Attorney Courthouse Drive P.O. Box 172 Shoals, IN 47581	P: 812-247-2772 F: 812-247-9930 E: pvogler@fullnet.com	2003
Gibson Co. Bar Association	Mr. C. Dean Higginbotham, Attorney 208 E. State Street Princeton, IN 47670	P: 812-386-3040 F: 812-386-7306 E: higglaw@gibsoncounty.net	2003
Pike Co. Bar Association	Mr. Phillip K. Hindahl, Attorney P. O. Box 365 316 Main Street Winslow, IN 47598	P: 812-789-5431 F: 812-789-9461 E:	2003
Dubois Co. Bar Association	Mr. Joseph L. Verkamp, Attorney 209 E. 6 th Street P.O. Box 867 Jasper, IN 47547	P: 812-634-1343 F: 812-634-9004 E: joeverk@psci.net	2004
Posey Co. Bar Association Exec. Dir. United Way	Ms. Elizabeth D. Baier, Attorney 123 W. Third Street P.O. Box 367 Mt. Vernon, IN 47620	P: 812-838-5808 F: E: uwposey@evansville.net	2002
Warrick Co. Bar Association & Bank Officer	Mr. Tony Aylsworth, Attorney & Chief Operations Officer Peoples Trust & Savings Bank P.O. Box 307 Boonville, IN 47601	P: 812-897-0230 F: 812-897-6227 E: tayls@ptsb-IN.com	2004
Spencer Co. Bar Association	Mr. Jefferson A. Lindsey, Attorney Lindsey & Lindsey 217 Main Street Rockport, IN 47635	P: 812-649-4571 F: 812-649-9676 E: linlaw@psci.net	2003
Perry Co. Bar Association	Judge James A. McEntarfer Courthouse Square 2219 Payne Street Tell City, IN 47586	P: 812-547-3741 F: 812-547-5424 E: pcc@psci.net	2004
Community-at-Large,	<i>TO BE IDENTIFIED LATER</i>		

Pro Bono Service Recipient (Past or Present)			
Community-at-Large Knox Co.	Mr. Larry Stearns Director, Paralegal Program Vincennes University 117 E. Brown Road Vincennes, IN 47591	P: 812-886-4102 F: 812-888-4586 E:	2002
Plan Administrator Volunteer Lawyer Program of Southwestern Indiana, Inc.	Ms. Kay L. Pechin Volunteer Lawyer Program of Southwestern Indiana, Inc. 123 N.W. 4 th Street, Suite 303 Evansville, IN 47708	P: 812-434-4886 F: 812-434-4889 E: attykay@courtbuilding.com	2004
Pro Bono Commission	Magistrate Jill R. Marcum Vanderburgh Superior Court Court Bldg., Room 202 825 Sycamore Street Evansville, IN 47708	P: 812-435-5967 F: 812-435-5043 E: jmarcrum@vanderburghgov.org	
Pro Bono Commission	Mr. Jeffrey B. Kolb, Attorney Emison, Doolittle, Kolb & Roellegen 8 th & Busseron Street P.O. Box 215 Vincennes, IN 47591	P: 812-882-2280 F: 812-885-2308 E: emison@wvc.net	

- 2. Governance - Briefly describe the organizational structure of your District, including replacement and succession of members, and terms of service.**

The Volunteer Lawyer Program of Southwestern Indiana, Inc., was incorporated in December 2000 and is governed by a board of directors. Federal 501(c)(3) status was achieved in October 2001. Board members for each county are appointed by the judge designated by the Supreme Court or by the bar association. The board is currently made up of 19 members, including the District 13 co-chairs, representatives from the Evansville Bar Association, Legal Aid Society of Evansville, Indiana Legal Services and at least one attorney from each of the eleven service counties. The board meets quarterly, and has formed committees to address specific issues: Priorities, Public Relations, Executive and Grievance. As reported last year, corporate bylaws dictate replacement and succession of members and terms of service. Community-at-large board members shall be selected by a nomination committee. Board member terms of office are for three years. Officers are selected by annual nomination and elections.

- 3. History/Background - Please list all counties in the District, any pro bono organizing activity or efforts at coordination that existed prior to the formation of the Rule 6.5 Committee.**

District 13 is comprised of Daviess, Dubois, Gibson, Knox, Martin, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick counties. Table 1 below provides recent census data for District 13:

Table 1**Selected Statistics for District 13 - 2001⁴**

Geographic Region	Pop.	People per square mile	Percentage of Pop. below Poverty Level⁵	No. of People below Poverty Level	No. of Attorneys^{6*}	No. of residents per attorney/ No. of indigent residents per attorney
Daviess County	29,820	69.2	13.3%	3,966	18	1,656 / 220
Dubois County	39,674	92.3	4.6%	1,825	38	1,044 / 48
Gibson County	32,500	66.5	8.6%	2,795	25	1,300 / 112
Knox County	39,256	76.1	14.5%	5,535	47	835 / 118
Martin County	10,369	30.9	11.3%	1,172	10	1,036 / 117
Pike County	12,837	38.2	11.1%	1,425	10	1,284 / 143
Perry County	18,899	49.6	9.4%	1,777	15	1,259 / 118
Posey County*	27,061	66.2	8%	2,165	20	1,353 / 108
Spencer County	20,391	51.1	8.8%	1,795	16	1,274 / 112
Vanderburgh County*	171,922	731.6	12%	20,630	411	418 / 50
Warrick County*	52,383	136.4	6.6%	3,457	29	1806 / 119
Indiana	6,080,485	169.5	9.9%	601,968		

Total Number People Living Below Poverty Level in District 13:

46,542

Total District 13 Population:

452,112

Average Percentage Below Poverty Level:

9.8%

⁴ Based on 2000 census information

⁵ To qualify for referral through VLP an individual's income may be up to 125% of the poverty level.

⁶ Based on Indiana Supreme Court Roll of Attorneys (2001)

* Includes judges and other county employees who may be unable to accept referrals due to conflicts of interest

* Considered part of Evansville-Henderson, IN-KY Metropolitan Statistical Area by U.S. Census

* Considered part of Evansville-Henderson, IN-KY Metropolitan Statistical Area by U.S. Census

* Considered part of Evansville-Henderson, IN-KY Metropolitan Statistical Area by U.S. Census

Prior to the organization of the Rule 6.5 Committee, organized pro bono activities were clustered in Vanderburgh and Knox Counties. In Knox County, a pro bono panel operated for several years as an extension of the ILS office after the Vincennes office closed in 1981. The Evansville Bar Association began coordinating pro bono activities in 1991 with the Pro Bono Program, the Women in Law Committee “ask-a-lawyer” resource for Vanderburgh County’s two domestic violence shelters and the Elder Law Committee which assists with guardianships for indigent clients. Legal Aid Society of Evansville and Indiana Legal Services also provided pro bono referral services on a limited basis. The EBA Pro Bono Program and pro bono referral activities of LASE and ILS were merged into the Volunteer Lawyer Program in 2001. The EBA continues to coordinate the Women in Law Committee service to the domestic violence shelters and the Elder Law guardianship program.

The District Committee first met on October 12, 1999, to discuss the implementation of a pro bono program in the District and the respective counties. In late October 1999, the District’s first report was submitted. In July 2000, the District submitted its first complete Annual Report and Plan which identified the initial primary mode of service delivery as well as other types of services meriting the attention of the Committee, including the need to promote wider participation in IOLTA. The District Committee took action on its plan in the fall of 2000 and recruited a volunteer attorney to prepare and file incorporation and federal tax exempt documents. The District Committee officially became the Volunteer Lawyer Program of Southwestern Indiana, Inc., and Committee members became the governing board of the program. The Volunteer Lawyer Program’s (VLP) Board of Directors began to meet quarterly to execute its Plan. As mentioned above, the board has formed committees to investigate, evaluate and guide the program in essential matters.

Based upon the recommendations of the Indiana Pro Bono Commission, the VLP received its initial grant from the Indiana Bar Foundation. Two individuals were contracted to act as interim co-plan administrators until the program officially hired a part-time plan administrator. During that time, applications for services were accepted and plans commenced for recruiting attorneys. Between January 1 and June 30, 2001, 10 cases were placed with volunteer attorneys for direct services. It was also during this time that the first official round of attorney recruitment took place with the mailing and circulation of attorney enrollment forms in all service counties with the assistance of one judicial officer in each county. In July 2001 the VLP hired a part-time plan administrator who proceeded to establish an office and maintain computer records of program activities. With the new round of funding for 2002, the VLP has hired a part-time plan administrator and a legal assistant.

Direct services to clients have increased exponentially since July 1, 2001. The VLP’s application procedures have been refined and operate effectively. Attorney participation with the program has shown an impressive increase in one year.

4. **Plan Administrator - Rule 6.5(g)(2) requires each Committee to select and employ a plan administrator to provide the necessary coordination and administrative support for the District Pro Bono Committee. Please indicate the name of the person, the duties of the plan administrator, if that position is funded and if so, the source of those funds.**

At present, the Plan Administrator is a part-time employee of the Volunteer Lawyer Program funded by IOLTA. Currently, Kay L. Pechin is filling this position as the part-time Plan Administrator. The duties of the Plan Administrator include: implementation and oversight of the District Plan, formulation of and monitoring approved policies and procedures, collection and compilation of data and reports, management and disbursements of funds, preparation of budgets, coordination of county managers, development of long-term planning, facilitation of additional program funding, recruitment of attorneys and others for the delivery of pro bono civil legal services, reporting to and advising the Volunteer Lawyer Program in respect to all phases of its mission, goals and tasks. Appendix [2]: Resume of Kay L. Pechin.

5. **Monitoring Role - Briefly describe how the District Committee will evaluate and record the progress and success of the District Plan.**

(a) Quality of services provided:

Evaluation forms have been developed for clients and attorneys in order to monitor the quality of services provided by the program and by individual volunteer attorneys.

Client Evaluations: Client evaluation forms are mailed to clients after the completion of his/her case. The VLP requests completion of the brief form and the return of it to the VLP at our expense. Client evaluations have been mailed for completed cases only since June 1, 2002. Since the forms have been in use for such a short time, the VLP does not yet have an adequate number of responses in order to report.

Attorney Reports: Attorneys are required to complete a simple case closing form which includes an evaluation of program procedures, method of client screening, hours spent volunteering, dollar value of the services provided and suggestions for improvement. The Plan Administrator reviews all case closing forms to capture information and to ensure a substantial compliance rate. Compliance with the case closing form requirement was not particularly impressive for the first six months of operation. Since January 2002, compliance has increased with the general acceptance of program expectations and procedures. Furthermore, with additional staff time available, the VLP staff members are able to contact attorneys to follow up on missing forms. In the case of attorneys who have volunteered but have refused to accept referrals, the VLP computer software tracks attorney case refusal.

The Plan Administrator reviews client evaluations, attorney reports and other informal reports when the program receives the documents. Both positive and negative reports are documented and considered concerning the effective operation of the program. For serious issues, the program has formed a Grievance Committee to formalize client grievance procedures. The committee is currently reviewing other program grievance procedures in order to develop the type of procedures necessary to comply with Indiana Rules of Professional Conduct.

(b) Quantity: Evaluation and recording this data is ongoing. The VLP purchased a computer software program designed to track case and attorney statistics during the reporting period.

(i) number of attorneys participating

A computerized master list of attorney participants is maintained at the VLP office. The master list organizes the volunteer attorneys alphabetically, geographically, by area of practice, firm affiliation and case assignment. This information is tracked using Kemps Caseworks computer program. New attorney volunteers are entered into the computer at the point of contact/volunteer. Attorney participation numbers are regularly reviewed by executive committee members and at quarterly board meetings to evaluate the effectiveness of the program's operations and to provide guidance to program directors for strategic planning.

County Managers are provided with names of volunteers and Roll of Attorney lists for their respective counties. County Managers use this information to recruit volunteers and assign cases to volunteers. Since July 1, 2001, two counties, Pike and Perry, have reported that all the attorneys in private practice in the county have volunteered with the VLP. Four large to mid-size law firms in Evansville have 100% attorney participation since July 1, 2001: Bamberger, Foreman, Oswald and Hahn; Rudolph, Fine, Porter and Johnson; Fine & Hatfield; and Keating, Bumb, Vowels, LaPlante and Kent. The current number of volunteer attorneys is 231.

Also, the VLP has compiled data from forty-three attorneys of self-directed pro bono services in District 13. Self reports of pro bono range from individual direct representation of low income individuals to public service pro bono work and class action litigation. For example, Attorneys Theodore Lockyear, James Kornblum and B. Michael Macer immediately accepted the class action representation of parents of children at the Evansville Children's Psychiatric Center to enjoin the state from closing the facility. The action was successful. Lockyear, Kornblum and Macer totaled approximately 200 pro bono hours on the case. The story does not end there. Attorney Ross Rudolph offered to Attorney Lockyear the services of one of the attorneys of Rudolph, Fine, Porter and Johnson for the case. Other attorneys also volunteered their time. Perry County attorney John Werner has represented individuals referred by the Evansville Red Cross, and provided services to the Perry County Habitat for Humanity. Collectively, these outstanding efforts demonstrate the atmosphere of pro bono being cultivated in District 13.

(ii) number of clients served

Service recipient records are maintained by computer in the following areas: number of requests for services; number of applicants financially qualifying for services; number of individuals and organizations served; number of requests and placements by county; number of those served by case type. Numbers are also collected for self-directed pro bono services by private attorneys either not affiliated with the VLP or for services not associated with VLP referrals.⁷ Numbers are maintained for informal services such as service agency visits for pro se assistance or other outreach and community education events. As the program continues to develop, records will be kept in the following areas: Number of recipients of other VLP programs outside of direct client services such as pro se assistance clinics, community education events, ask-a-lawyer activities; and numbers related to informational services such as printed brochures and web-site hits. These records will be taken at the point of service and collected by the Plan Administrator. The collection is be incorporated into periodic and annual reports to the VLP executive committee and the quarterly board meetings to evaluate the effectiveness of the program's operations and to provide guidance to program directors for strategic planning.

(iii) number of hours:

Attorney hours and dollar value of services provided are counted from the case closing form and maintained on a district basis for cases assigned through the VLP. The self-directed pro bono forms also include the number of hours of pro bono service. To date, twenty VLP attorneys have reported 108 hours of pro bono services for VLP clients for the reporting period. As noted above, attorney compliance with closing reports has been lax until recently. Statistically, the number reporting hours has been too low to reflect effectively attorney hours and dollar value of services.

(iv) Evaluation of Data:

The data collected and incorporated into reports will be used to evaluate the program. The collection is incorporated into periodic and annual reports to the VLP executive committee and the quarterly board meetings to evaluate the effectiveness of the program's operations and to provide guidance to program directors for strategic planning. This will help determine where the VLP needs to focus its efforts. For example, if the requests for direct services greatly outweigh the number of volunteer attorneys, efforts will be focused on recruitment of volunteers. This data will also help the VLP to determine the type of attorney training that should be offered. Data will also help the program to develop program alternatives such as pro se assistance and ask-a-lawyer.

⁷ The VLP received self-directed pro bono forms from 43 attorneys reporting public service pro bono work and individual client representation.

(c) Costs associated with achieving goals:

Cost of the program and income are being tracked in accordance with generally accepted accounting principles utilizing accounting software. Categories of tracking include: employee costs, office expense, attorney training events, training attended, program operations expenses such as mileage, litigation expenses, communication expenses and office equipment, furniture and supplies. The VLP now has an independent office and is responsible for all costs associated with the operation and maintenance of the program. The Legal Aid Society of Evansville and Indiana Legal Services – Evansville absorb the cost of intake and initial screening by providing those services for most cases. Since February 2002, the VLP has benefited from the volunteer services of an accountant to advise the VLP board on substantive financial issues, review financial records prior to board meetings and prepare federal, state and local tax returns. At considerable savings to the VLP, the volunteer accountant is also available to answer financial questions for the Plan Administrator and assisted with computerized records, including payroll.

(d) Collection of Client Stories:

Clients are asked if they would agree to be interviewed by the VLP to collect information about their case. Attorneys are also solicited for stories about their cases for recognition, recruitment and program awareness.

- C. Annual Report: Existing Services, Programs, and Funding Sources - Please provide a detailed description of existing service providers, programs and funding sources currently in existence within your District. Please utilize the worksheets on the following pages for each entity and fill out the legal service provider annual progress report for each entity and the district annual progress report.**

EXISTING SERVICE/PROGRAM

Service/Program Name: Volunteer Lawyer Program of Southwestern Indiana, Inc.

Mailing Address: 123 NW 4th Street, Suite 303

Evansville, IN 47708

Phone: (812) 434-4886

Contact Person: Kay L. Pechin Title: Plan Administrator

Sponsoring Agency: N/A Phone: _____

Agency Director: _____

Service/Program Information:

Target Population: low-income individuals in District 13; nonprofit organizations in the service of low-income community

Eligibility Requirements: income guidelines and case type

Service Area: District 13: Daviess, Dubois, Gibson, Knox, Martin, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick counties

Type of Service/Program:

Estimate of Expense per Year: \$130,000

Funding Source(s): IOLTA, Indiana Bar Foundation, John L Sanders Memorial -- Evansville Bar Foundation

Service /Program Description: The Volunteer Lawyer Program of Southwestern Indiana Inc, provides legal services to low income clients with civil legal needs through a referral service to pro bono attorneys in 11 counties.

**Legal Service Provider
Annual Progress Report
July 1, 2001, to June 30, 2002**

	Legal Service Provider Volunteer Lawyer Program of Southwestern Indiana, Inc
Screened Cases	262
Assigned Cases	119
Closed Cases ⁸	99
Declined Cases (Reject)	15
Other Cases: pending	35
Number of Volunteer Attorneys	231

List Number of Cases of Each Type	Legal Service Provider Volunteer Lawyer Program of Southwestern Indiana Inc
Consumer/Finance	12
Education	0
Employment	4
Family	208
Juvenile	0
Health	2
Housing	15
Income Maintenance	5
Individual Rights	0
Other*	16
Total Number of Cases	262

⁸ The number of closed cases includes all cases not rejected by the program.

EXISTING SERVICE/PROGRAM

Service/Program Name: Legal Aid Society of Evansville, Inc. (LASE)

Mailing Address: 1 NW Martin Luther King Jr. Boulevard, Room 105

Evansville, IN 47708

Phone: (812) 435-5173

Contact Person: Sue Ann Hartig Title: Executive Director

Sponsoring Agency: N/A Phone: _____

Agency Director: N/A

Service/Program Information:

Target Population: low-income residents of Vanderburgh County with Vanderburgh County based civil legal problems

Eligibility Requirements: applicant lives in Vanderburgh County, case is in Vanderburgh County, household meets required financial guidelines, representation does not cause a conflict of interest, the cases is of a type handled by LASE

Service Area: Vanderburgh County

Type of Service/Program:

Estimate of Expense per Year: approximately \$300,000 per year

Funding Source(s): City of Evansville, Vanderburgh County, United Way, Indiana Equal Justice Fund, Indiana Civil Legal Fund

Service /Program Description: Legal Aid provides intake, screening and referral services for pro bono cases to the Volunteer Lawyer Program/District 13. LASE attorneys also serve on VLP committees, provide attorney and community training and mentoring. All pro bono referrals are handled by the VLP.

**Legal Service Provider
Annual Progress Report
July 1, 2001, to June 30, 2002**

	Legal Service Provider Legal Aid Society of Evansville ⁹
Screened Cases	NA
Assigned Cases	NA
Closed Cases	NA
Declined Cases (Reject)	NA
Other Cases: pending	NA
Number of Volunteer Attorneys	NA

List Number of Cases of Each Type	Legal Service Provider Legal Aid Society of Evansville
Consumer/Finance	NA
Education	NA
Employment	NA
Family	NA
Juvenile	NA
Health	NA
Housing	NA
Income Maintenance	NA
Individual Rights	NA
Other*	NA
Total Number of Cases	

⁹ Pro bono case numbers and types are reported above under the Volunteer Lawyer Program of Southwestern Indiana, Inc.

EXISTING SERVICE/PROGRAM

Service/Program Name: Indiana Legal Services, Inc. – Evansville and Bloomington

Mailing Address: 101 Court Street, Suite 101

Evansville, IN 47708

Phone: (812) 426-1295

Contact Person: Steven Culley **Title:** Managing Attorney

Sponsoring Agency: Indiana Legal Services, Inc. **Phone:** _____

Agency Director: Norman Metzger

Service/Program Information:

Target Population: low-income (under 125% of poverty and senior citizens)

Eligibility Requirements: income eligibility and case type.

Service Area: Daviess, Dubois, Gibson, Knox, Martin (served by ILS - Bloomington), Perry, Pike, Posey, Spencer, Vanderburgh and Warrick counties

Type of Service/Program: civil legal services (LSC funded)

Estimate of Expense per Year: approximately \$400,000 per year

Funding Source(s): LSC, Council on Aging, Posey United Way, NAPIL, Indiana Equal Justice Fund, Indiana Civil Legal Fund

Service /Program Description: Indiana Legal Services provides intake, screening and referral services for pro bono cases to the Volunteer Lawyer Program/District 13. ILS attorneys also serve on VLP committees, provide attorney and community training and mentoring. All pro bono referrals are handled by the VLP.

**Legal Service Provider
Annual Progress Report
July 1, 2001, to June 30, 2002**

	Legal Service Provider Indiana Legal Services ¹⁰
Screened Cases	NA
Assigned Cases	NA
Closed Cases	NA
Declined Cases (Reject)	NA
Other Cases: pending	NA
Number of Volunteer Attorneys	NA

List Number of Cases of Each Type	Legal Service Provider Indiana Legal Services
Consumer/Finance	NA
Education	NA
Employment	NA
Family	NA
Juvenile	NA
Health	NA
Housing	NA
Income Maintenance	NA
Individual Rights	NA
Other*	NA
Total Number of Cases	

¹⁰ Pro bono case numbers and types are reported above under the Volunteer Lawyer Program of Southwestern Indiana, Inc.

EXISTING SERVICE/PROGRAM

Service/Program Name: Evansville Bar Association Guardianship Pro Bono Program

Mailing Address: 123 NW 4th Street, Suite 18

Evansville, IN 47708

Phone: (812) 426-1712

Contact Person: Susan Helfrich **Title:** Executive Director

Sponsoring Agency: N/A **Phone:** _____

Agency Director: N/A

Service/Program Information:

Target Population: indigent nursing home & mental health facility residents

Eligibility Requirements: inability to pay for establishment of a guardianship. Medicaid recipients.

Service Area: Vanderburgh County

Type of Service/Program:

Estimate of Expense per Year: None, with the exception of minimal staff expenses for placement of cases, postage, copying, etc.

Funding Source(s): Evansville Bar Association

Service /Program Description: The EBA Probate, Elder Law & Guardianship Section agreed to accept requests to establish guardianships for indigent nursing home and mental health facility Medicaid patients who needed a guardianship by a professional guardianship provider. These guardianships were previously not established due to the inability of the patient to pay, and no relatives willing to accept the cost or responsibility. EBA members will prepare a guardianship for these patients for three accepted private guardianship providers at no cost.

**Legal Service Provider
Annual Progress Report
July 1, 2001, to June 30, 2002**

	Legal Service Provider Evansville Bar Association Guardianship Pro Bono Program
Screened Cases	23
Assigned Cases	23
Closed Cases	23
Declined Cases (Reject)	0
Other Cases: pending	0
Number of Volunteer Attorneys	50

List Number of Cases of Each Type	Legal Service Provider Evansville Bar Association Guardianship Pro Bono Program
Consumer/Finance	0
Education	0
Employment	0
Family	0
Juvenile	0
Health	0
Housing	0
Income Maintenance	0
Individual Rights	0
Other/Guardianship	23
Total Number of Cases	23

EXISTING SERVICE/PROGRAM

Service/Program Name: Evansville Bar Association Domestic Violence Shelter Assistance Program

Mailing Address: 123 NW 4th Street, Suite 18, Evansville, IN 47708

Phone: (812) 426-1712

Contact Person: Susan Helfrich Title: Executive Director

Sponsoring Agency: N/A Phone:

Agency Director: N/A

Service/Program Information:

Target Population: staff and residents of domestic violence shelters

Eligibility Requirements: Legal advocates of domestic violence shelters may contact members of the Women in the Law who have volunteered to answer legal questions that arise when clients are seeking legal information.

Service Area: Vanderburgh County

Type of Service/Program:

Estimate of Expense per Year: None

Funding Source(s): N/A

Service /Program Description: Volunteers from the Women in the Law Section of the Evansville Bar Association have signed up for certain months and areas of practice that they will accept calls from domestic violence shelter staff regarding legal problems for shelter residents, counseling cases, etc. Each month there is a volunteer on-call in such areas as Family Law, Real Estate/Landlord-Tenant, Bankruptcy, Criminal, etc. The local shelter(s) staff has this listing which is updated annually, and they may contact the attorney directly when they are in need of legal advice or information when working with a client.

**Legal Service Provider
Annual Progress Report
July 1, 2001, to June 30, 2002**

	Legal Service Provider Evansville Bar Association Domestic Violence Shelter Legal Assistance Program
Screened Cases	N/A
Assigned Cases	N/A
Closed Cases	N/A
Declined Cases (Reject)	0
Other Cases: pending	N/A
Number of Volunteer Attorneys	60

List Number of Cases of Each Type	Legal Service Provider Evansville Bar Association Domestic Violence Shelter Legal Assistance
Consumer/Finance	N/A
Education	N/A
Employment	N/A
Family	N/A
Juvenile	N/A
Health	N/A
Housing	N/A
Income Maintenance	N/A
Individual Rights	N/A
Other/Guardianship	N/A
Total Number of Cases	N/A

District 13 Annual Progress Report

July 1, 2001, to June 30, 2002

	District Totals
Screened Cases	285
Assigned Cases	142
Closed Cases	122
Declined Cases	15
Other Cases: Pending	35
Number of Volunteer Attorneys	341

List Number of Cases of Each Type	District Totals
Consumer/Finance	12
Education	0
Employment	4
Family	208
Juvenile	0
Health	2
Housing	15
Income Maintenance	5
Individual Rights	0
Other*	39
Total Number of Cases	285

D. 2003 Annual Plan:

Problem Statements\ Recommendations - For each problem, use one complete worksheet with as many recommendations for solving that problem as necessary. Please number your problems according to priority.

- 1. Problem Identification- Problem statements identify all of the barriers faced by indigent individuals in their effort to resolve problems through the legal system.**
- 2. Supportive Data- Supportive Data (statistics, survey results, records, reports, etc.) should be organized to show how the barriers are preventing people from accessing justice.**
- 3. Recommended Actions to address barriers and problems - These recommendations are identified with one of the categories of opportunities for attorneys found in Rule 6.5 (i).**
- 4. Recommended Actions to support the participating attorneys. - These elements are identified in Rule 6.5(h).**
- 5. Expected Results - The expected result is a statement describing the expected benefit to be derived from the expenditure of human and financial resources.**
- 6. Benchmarks - These are the measurable goals for evaluating progress of proposed recommended actions.**
- 7. Costs associated with benchmarks - This is the proposed budget necessary for achieving the expected results.**

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

Problem/Barrier 1:

Low income individuals with civil legal needs have restricted access to legal services due to staffing constraints, budgetary limitations, ethical conflicts and program restrictions. Significant numbers of qualified individuals are denied or receive delayed legal services.

What data supports your statement of the problem?

Data collected in the Indiana Legal Needs study of 1992 document that only 10% of the civil legal needs of the poor were being met by existing legal service providers. Currently, there are only 7 full time legal aid or legal service attorneys in District 13. Other supporting documentation includes annual service reports, program budgets, bylaws and established policy restrictions. Due to national funding restrictions, Indiana Legal Services is facing greater budget cuts for Fiscal Year 2003 than previously anticipated. The implication is that ILS Evansville may have fewer staff resources to direct toward client services.

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

- ☒ Representing persons of limited means through case referral
 - ☒ Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers
 - ☒ Representing community groups servicing persons of limited means through case referral
 - ☒ Interviewing and determining eligibility of prospective pro bono clients
 - ☒ Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers
 - ☒ Providing consultation services to civil legal assistance providers for case reviews and evaluations
 - ☒ Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;
 - ☒ Making presentations to persons of limited means regarding their rights and obligations under the law
 - ☒ Providing legal research
 - ☐ Providing guardian ad litem services
 - ☒ Serving as a mediator or arbitrator to the client-eligible party
 - ☒ Other ask-a-lawyer
-

Description:

Increased pro bono activity will help alleviate, but not eliminate, the problem of limited access to legal services. Therefore, the recommended action is to increase pro bono activity

through recruitment, incentives to volunteers, support for the pro bono attorneys, promotion of the VLP program and the cultivation of a general atmosphere of pro bono.

Coordination: These efforts will be coordinated with Legal Aid Society of Evansville, Indiana Legal Services, the Evansville Bar Association, other local bar associations, community organizations, as well as the local judiciary with the VLP as the central point of coordination.

Benchmark: The goal is to provide pro bono assistance to at least 75% of all clients who meet the financial and case guidelines of LASE and ILS and are rejected due to conflicts or unavailability of service providers. This may be in the form of representation, consultation, or other brief service. Data will be tracked to show how many cases are referred to the VLP, and of those cases, how many actually receive pro bono services. Cases referred to the VLP would not be matched with a volunteer attorney only if the case lacks merit, the case is income producing, the case is too complicated, or a volunteer attorney is not available. As of this date, the VLP has received 262 referrals for volunteer attorney assistance.

Costs: The cost of the Plan Administrator's time, the Legal Assistant's time, costs to perform recruitment, support services, tracking and promotional activities of the VLP. Additional costs may include computer maintenance, upkeep and upgrade.

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

Problem/Barrier 2:

There continues to be a need for more attorneys to participate in pro bono services. Almost all service area counties have a small percentage of attorneys who can be relied upon to take pro bono case referrals. This number must be expanded to prevent burnout in those that do volunteer and to provide adequate services to those in need in District 13.

What data supports your statement of the problem?

Only two counties in District 13 have 100% volunteer participation with the VLP: Perry and Pike (private practice attorneys only). In District 13, there are over 600 attorneys and judges of whom only 231 have enrolled to participate with the VLP.

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

- ☒ Representing persons of limited means through case referral
- ☒ Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers
- ☒ Representing community groups servicing persons of limited means through case referral
- ☒ Interviewing and determining eligibility of prospective pro bono clients
- ☒ Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers
- ☒ Providing consultation services to civil legal assistance providers for case reviews and evaluations
- ☒ Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;
- ☒ Making presentations to persons of limited means regarding their rights and obligations under the law
- ☒ Providing legal research
- ☐ Providing guardian ad litem services
- ☒ Serving as a mediator or arbitrator to the client-eligible party
- ☒ Other: assist with recruitment activities

Description:

Recruitment:

The VLP will address this problem/barrier by recruiting more attorneys to participate in pro bono services. In general, the VLP plans to promote an atmosphere of pro bono with recognition events and publicity that will foster greater participation and maintain involvement with the VLP and other pro bono services. All such activities increase pro bono volunteers.

Also, the VLP is poised to enter the second phase of its attorney recruitment effort with the distribution of new attorney brochures to be available to every attorney in the district. The support of the judiciary will again be sought in this second push for attorneys. At the same time, brochures to increase public awareness are in circulation with a target mass mailing.

Support:

The VLP has developed a series of three CLE presentations called Divorce 101 as a tool for recruitment and attorney education. The first presentation was held on April 5, 2002, and two more sessions are planned for September 20, 2002, and December 2002. A CLE on the new protective order statute is scheduled for September 19, 2002. The CLEs are free to attorneys who volunteer to take pro bono cases. The attorneys of the LASE, ILS and the VLP are available to mentor pro bono attorneys as needed.

The VLP will provide support to volunteer attorneys in order to facilitate case assignments and to address problems or needs during attorney representation. Suggestions from attorneys and clients will be analyzed and implemented for an organized, efficient and responsive pro bono referral system.

Coordination:

The VLP has initiated coordination with active bar associations, judicial officers, social service agencies and legal service providers in our district. The VLP has requested time at local active bar association meetings in order to present on the VLP and pro bono issues. Local bar involvement will be utilized to increase pro bono volunteers.

Expected Results: It is expected that these efforts will result in an increase in the number of attorneys participating in pro bono services, and that those who participate will be more likely to remain with the program because of the supports and the recognition provided. Also, a larger pool of attorneys means that the same attorneys will not be used as a referral as frequently, and should lessen the incidences of burnout. A larger pool of attorneys means that more individuals will be able to access justice.

Benchmarks: The VLP intends to see an increase in pro bono participation in the next year. So far, the VLP has 231 volunteer attorneys, and has matched 119 with case referrals. With increased participation we intend to see that number rise. Of the more than 600 attorneys in our service area, the VLP has approximately 38% of those attorneys enrolled in some capacity with the program. The VLP will strive to increase that number over the next year to 50%.

Costs: The cost associated with this includes that part of the Plan Administrator's time/salary spent on recruitment activities, travel, recognition, retention, training and other supports for volunteer attorneys. Costs will also include additional promotional materials, CLE presentation expenses and recognition events. Part of the cost will cover

travel for representatives to attend state and national training programs to learn more about effective methods and ideas for attorney participation.

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

Problem/Barrier 3:

There continues to be a lack of economical alternative dispute resolution mechanisms for legal and quasi-legal issues affecting the poor, which do not warrant litigation or substantial commitments of legal resources in a formal manner. In addition, as a consequence of the new protective order statute, an increase in the need for alternative dispute resolution mechanisms may occur.

What data supports your statement of the problem?

Data from the Evansville Bar Association ADR committee, Lawyer Referral Service call experience and neighborhood association meeting discussions.

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

- ☒ Representing persons of limited means through case referral
- ☒ Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers
- ☐ Representing community groups servicing persons of limited means through case referral
- ☒ Interviewing and determining eligibility of prospective pro bono clients
- ☐ Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers
- ☒ Providing consultation services to civil legal assistance providers for case reviews and evaluations
- ☐ Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;
- ☒ Making presentations to persons of limited means regarding their rights and obligations under the law
- ☐ Providing legal research
- ☐ Providing guardian ad litem services
- ☒ Serving as a mediator or arbitrator to the client-eligible party
- ☐ Other _____

Description:

At present, local attorneys have volunteered to serve as pro bono mediators for LASE and ILS. One attorney will accept one referral per month from LASE or ILS. The VLP will continue to develop volunteer ADR activities. The VLP will solicit volunteer attorneys and coordinate the ADR type referrals. The VLP will publicize these services through direct contact with community organizations, judicial officers and attorneys and press releases.

Coordination: The VLP will coordinate with the EBA ADR committee, board members, District 13 judicial officers and attorneys to develop these services and form an ADR/mediation panel of volunteers.

Results: Cases which might otherwise result in lawsuits or criminal prosecutions or due process proceedings, or which might otherwise be rejected as too complicated for referral may be informally adjusted on a voluntary basis.

Benchmark: The VLP will coordinate with the EBA ADR committee and board members to develop these services.

Costs: The cost associated with this includes that part of the plan administrator's time/salary spent on recruitment of volunteers, promotion of the program and coordination of the delivery of ADR services.

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

Problem/Barrier 4:

Many litigants appear in court uninformed, unrepresented and only in need of brief service, legal information or advice, particularly in small claims, housing court and family law court. These individuals may not need full representation, but perhaps only some advice as to their rights and the legal process. The result of this is that many indigent individuals are taken advantage of by more savvy litigants or needlessly forego their rights.

What data supports your statement of the problem?

Preliminary reports from Vanderburgh County technology services show that over 45,000 individuals over a nine year period proceeded in court pro se. Data from anecdotal reports and screening individual applicants for services document the high number of incidences.

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

- ☐ Representing persons of limited means through case referral
- ☐ Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers
- ☐ Representing community groups servicing persons of limited means through case referral
- ☐ Interviewing and determining eligibility of prospective pro bono clients
- ☐ Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers
- ☐ Providing consultation services to civil legal assistance providers for case reviews and evaluations
- ☐ Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;
- ☐ Making presentations to persons of limited means regarding their rights and obligations under the law
- ☐ Providing legal research
- ☐ Providing guardian ad litem services
- ☒ Serving as a mediator or arbitrator to the client-eligible party
- ☒ Other ☐ Ask-a-lawyer, pro se assistance _____

Description:

The VLP is creating programs to address this very problem: 1) advice and brief service options; 2) ask-a-lawyer; 3) pro se assistance programs and access to pro se forms. These services will include a screening mechanism for cases, which require or are suited for full representation by a pro bono attorney. The VLP also plans to send representatives to state and national training programs to learn about innovative delivery systems.

Coordination: the VLP will continue to coordinate with local agencies, courts, and bar associations to provide and develop these services. Collaborators include: the Evansville Bar Association (which will bear some of cost of the call-in hotline), Indiana State Bar Association (ISBA Pro Bono Day), Crisis Connection serving Perry, Spencer and Dubois counties, other local bar associations and judicial officers and community service groups.

Results: This will greatly increase the number of service recipients with fair and equal access to the justice system, regardless of income.

Benchmarks: The VLP in coordination with the Evansville Bar Association will launch an ask-a-lawyer program in 2003. The VLP will continue to coordinate with judiciary and local agencies serving low income individuals and families to develop access to legal information and assistance during 2003.

Costs: The costs for these projects would include promotional materials, travel (within District 13, state and national training), a portion of the Plan Administrator's time to coordinate and implement the projects, minor incidental costs for photocopying and training for volunteer attorneys. A portion of the cost for the ask-a-lawyer project is expected to be provided by the Evansville Bar Association and/or the John L. Sanders Memorial – Evansville Bar Foundation.

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

Problem/Barrier 5:

There are inadequate resources to support indigent civil advocacy. This has been presented in the last two District 13 reports and has been addressed to some degree by the Indiana Bar Foundation's authorization of the VLP Litigation Fund, a budget reserve to reimburse attorneys for litigation expenses which are necessary for representation of their pro bono clients. While the fund is sufficient for modest requests of reimbursement, the \$5,500 amount reserved by the VLP for attorney litigation expenses would be eliminated by one major litigation case, let alone pro bono class action cases.

What data supports your statement of the problem?

Legal practice experience.

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

- ☐ Representing persons of limited means through case referral
- ☐ Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers
- ☐ Representing community groups servicing persons of limited means through case referral
- ☐ Interviewing and determining eligibility of prospective pro bono clients
- ☐ Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers
- ☐ Providing consultation services to civil legal assistance providers for case reviews and evaluations
- ☐ Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;
- ☐ Making presentations to persons of limited means regarding their rights and obligations under the law
- ☐ Providing legal research
- ☐ Providing guardian ad litem services
- ☐ Serving as a mediator or arbitrator to the client-eligible party
- ☒ Other: offer litigation expense funds to volunteer attorneys as necessary

Description:

The VLP currently has \$5,500 in its budget to defray pro bono attorney litigation expenses. So far, attorneys have inquired about the availability of such funds, but no requests for payment have been processed. VLP attorneys are required to attempt to have most ordinary litigation costs waived, such as filing fees. If the expense is not waivable, attorneys are required to complete a request for payment form for the litigation expense

account. Information about the availability of funds is provided to each volunteer attorney upon case assignment. The VLP's accounting system will track approved disbursements.

The VLP will coordinate with attorneys to make this fund available and with other local professionals to donate services to assist pro bono case development.

Benchmark: The VLP will continue to track the disbursement of litigation funds and evaluate annually the need to replenish the fund for the next fiscal year.

Costs: The costs associated with this benchmark is that portion of the Plan Administrator's time necessary for the disbursement of funds, tracking disbursements, fund raising and evaluation of the need for these funds.

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

Problem/Barrier 6:

There is not funding available for a full-time Plan Administrator to provide necessary coordination and administrative support for the VLP and facilitate the activities and opportunities identified in Rule 6.5. Currently, there is only funding available for a part-time plan administrator. The position, however, requires more than the 30 hours a week that is funded. A full-time plan administrator is needed to provide: implementation and oversight of the District Plan on a daily basis, formulation of and monitoring of approved policies and procedures, collection and compilation of data and reports, management and disbursement of program funds, preparation of budgets, coordination and support of county managers and volunteer attorneys, development of long-term planning, fund raising and reporting to and advising the VLP in respect to all phases of its Mission, purpose, goals and means. It requires substantial financial incentive to hire and retain the most qualified individual to fill the position of Plan Administrator, and provide employment benefits that are fair and equitable to the Plan Administrator and support staff.

What data supports your statement of the problem?

The VLP has found from experience that 20-30 hours is not enough time to implement all phases of the VLP's mission, the specific tasks of which are related above.

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

Until the VLP hires a full time Plan Administrator, the VLP will continue to solicit participation of District 13 attorneys for the following activities.

- ☒ Representing persons of limited means through case referral
- ☒ Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers
- ☒ Representing community groups servicing persons of limited means through case referral
- ☐ Interviewing and determining eligibility of prospective pro bono clients
- ☐ Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers
- ☐ Providing consultation services to civil legal assistance providers for case reviews and evaluations
- ☐ Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;
- ☐ Making presentations to persons of limited means regarding their rights and obligations under the law
- ☐ Providing legal research
- ☐ Providing guardian ad litem services
- ☐ Serving as a mediator or arbitrator to the client-eligible party
- ☐ Other _____

Description:

The VLP will continue to seek and apply for adequate funding and supplement this with fund raising and donations in order to employ the Plan Administrator on a full time basis. Fund raising activities that are under discussion by the VLP include an annual giving campaign and an annual award/recognition/fund raising event. These plans will continue to be explored and developed for implementation in 2002 -2003. Fund raising efforts will be undertaken by the Plan Administrator, in conjunction with LASE, ILS, EBA and other local bar associations.

Expected results: A full time Plan Administrator would be able to recruit volunteers more effectively and implement a comprehensive campaign to ensure the future financial status of the VLP. A full time Plan Administrator would have more time to spend in the community developing volunteer base and community awareness. A full time Plan Administrator would be able to devote more time toward the coordination of programs such as ‘ask-a-lawyer’ and other access programs that would specifically meet the needs and interests of potential clients as well as volunteers. This would ultimately result in greater access to justice for low income individuals.

Benchmark: The goal for this barrier is to obtain sufficient funds for a full time Plan Administrator. This will be considered accomplished once those funds are secured.

Costs: The projected cost for employing the Plan Administrator on a full time basis is \$52,000, including salary, payroll expenses and contracted employee benefits. The salary level and benefits are comparable to salaries for ILS and LASE staff attorneys with comparable experience, but not of comparable responsibilities. See attached Budget.

Please check the activities, which your District will take to support the pro bono efforts of the attorneys in your District. For each checked activity, please provide a detailed description of the District's plan for implementation of this activity.

☒ Providing intake, screening, and referral of prospective clients:

Intake, screening and referral of prospective clients is performed by LASE in Vanderburgh County and ILS in all service area counties. ILS is available by a toll free number. After cases are screened and referred to the VLP, the VLP oversees and acts upon the referrals.

☒ Matching cases with individual attorney expertise, including the establishment of specialized panels:

Attorneys are solicited for information on the types case expertise and preference. This information is maintained by the VLP's computer database system. Efforts are made to match attorneys with cases of their expertise. The problem, however, is that our programs are overwhelmed with demand for family law assistance. The VLP provides training and mentoring to attorneys in divorce cases. The VLP plans to develop specialized panels, especially in Vanderburgh County in conjunction with the Evansville Bar Association committees.

☒ Providing resources for litigation and out-of-pocket expenses:

Litigation funds are available to volunteer attorneys. Sample litigation forms are also available in training materials. Free legal research is available on a limited basis through the Lexis/Nexis pro bono grant.

☒ Providing legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono civil legal service:

Our case application records document that the greatest demand for services is for family law. Therefore, the VLP developed a series of three independent CLE programs designed to instruct attorneys with the basics of divorce proceedings. The VLP is also planning a CLE presentation about the new protective order statute and an ethics CLE. Programs will continue and new programs will be developed as the need is identified.

☒ Providing the availability of consultation with attorneys who have expertise in areas of law in which a volunteer lawyer is providing pro bono civil legal service:

Attorneys are encouraged to contact the VLP plan administrator or the attorneys of LASE and ILS for consultation on cases. These services are offered as part of case acceptance and training and upon individual inquiry. Also, attorneys are being solicited to volunteer as mentors.

☒ Providing malpractice insurance for volunteer pro bono lawyers:

The VLP carries primary malpractice insurance for volunteer pro bono attorneys through the NLADA Insurance Program.

☒ Establishing procedures to ensure adequate monitoring and follow-up, and to measure client satisfaction:

The VLP has established procedures and forms to measure client satisfaction. Client surveys are mailed to clients at the close of the case. The VLP is in the process of forming a formal client grievance procedure that will be in place before December 2002. Additionally, the Plan Administrator will provide follow-up.

☒ Recognizing pro bono civil legal service by lawyers:

Recognition events include: monthly reports in the Evansville Bar Association Summation; the Pro Bono Honor Roll (Law Day 2002); attorney recognition event tentatively scheduled for October 2002; press releases will be used to recognize outstanding achievements.

☒ Other support and assistance to pro bono lawyer.

Informal access to the Plan Administrator for assistance, support, and training materials.

Please describe the expected results and the measures, which you will utilize to determine the value to the indigent of the proposed activity.

The overall goal or result sought by the VLP is to provide high quality direct services to as many low income individuals and families as possible in our service area by utilizing pro bono attorney resources. In broad terms, the VLP will use quarterly reports of case statistics, clients served, volunteer attorneys to measure the effectiveness of the program. These reports will be directed to the VLP Board of Directors at quarterly meetings. The VLP board will evaluate the statistical data, recommendations from the Plan Administrator and representatives from the legal aid providers in order to plan strategically: courses of action, program alternatives and program effectiveness.

Data for statistical reports will be derived from forms used by the office for that purpose and from computerized information from applications and attorney enrollment: client applications, attorney case closing reports, client satisfaction surveys and computer generated statistical information such as age-race reports, individual county statistics.

Table 2

Expected Results	Measures
1. Increase client services and responsiveness to client needs	1. Client satisfaction surveys
	2. Number of clients
	- direct representation
	- advice/brief service assistance/ask-a-lawyer
	- pro se assistance
	- ADR type services
	3. Number of attorney volunteers
	4. Client withdrawal
	5. Speed of placement
	6. Service recipient board appointment
	7. Community education programs

Table 3

Expected Results	Measures
2. Increase number of participating attorneys and attorney satisfaction with program	1. Number of cases assigned
	2. Number of attorneys enrolled
	3. Matching case placement with attorney area of practice
	4. Attorney satisfaction surveys
	5. Use of program forms
	6. Client screening and follow up
	7. Legal education programs

Please provide your timeline for implementing and evaluating the recommended activities.

As noted above, the Plan Administrator acts upon the recommendation of the VLP board as directed. By their nature, some goals are longer term than others. For instance, the timeline for development of the ask-a-lawyer program is framed over the course of more than six months. The VLP board and the Joint EBA/VLP committee will evaluate the program's effectiveness.

Program operations are evaluated quarterly by the board of directors.

Please provide a proposed budget for implementing the recommended activities. Please utilize the budget form on the following page.

BUDGET FORM

COST CATEGORY	IOLTA \$	OTHER \$	DONATED	TOTAL
A. Personnel Costs				
1. Lawyers/Plan Administrator – FTE	44,500			
2. Liability Reserve ¹¹	7,986			
3. Paralegals/legal assistant – FTE	20,800			
4. Liability Reserve	3,732			
5. Other/FICA	5,028			
6. Salary Subtotal	82,046			
7. Employee Benefits ¹²	8,573			
8. Total Personnel Costs	90,619			
B. Non Personnel				
1. Space & utilities	4,964			
2. Equipment Rental	0			
3. Office Supplies	1,500			
4. Telephone services & internet	2,448			
5. Travel (professional development conferences – 2/yr) ¹³	4,091			
6. Training (CLEs) ¹⁴	4,000			
7. Library	1,000			
8. Insurance (general liability, malpractice, employee bond)	4,000			
9. Dues and Fees	1,000			

¹¹ Employee Liability Reserve represents estimated funds required to pay severance or loss of funding expenses such as accrued vacation, payroll and payroll liabilities.

¹² Employee benefits include estimated health insurance costs and estimated IRA contributions.

¹³ Travel expenses include for the ABA/NLADA Equal Justice Conference, the Annual NLADA Conference and in-state training programs. Estimated expenses for travel within District 13 for meetings, conferences, client programs and direct representation are included.

¹⁴ Training expense represents preparation and production of CLE programs and attorney recognition event expense.

10. Audit	2,500			
11. Litigation Reserve	5,000			
12. Property Acquisition/Computer	1,500			
13. Purchase Payments	0			
14. Contract Services to Clients	0			
15. Contract Services to Program (computer maintenance & software support)	1,000			
16. Other				
17. Printing and Reproduction	2,500			
18. Postage	1,200			
19. Accounting Services			1,000	1,000
20. Advertising	1,200			
20. Total Non Personnel Costs	37,903			
C. Total Expenditures	128,522		1,000	129,522
20. Project A Disbursements				
21. Project B Disbursements				
22. Project C Disbursements				
23. Total Program Disbursements				
24. Litigation Expense Fund*	5,500			

*Reserves in this category are not required to be resubmitted to the IBF if not spent during the allocation calendar year.

List of Appendices

- 1. List of County Managers**
- 2. Resume of Kay L. Pechin**

SUBMISSION PROCEDURES

Ten copies of the completed annual report and plan shall be submitted to: Jennifer Theresa Cloyd Konomos, Indiana Pro Bono Commission, 230 East Ohio Street, Fourth Floor Indianapolis, Indiana 46204. Plans should be submitted no later than 5:00 p.m. on July 1, 2002.

CHECKLIST FOR ANNUAL REPORT AND PLAN:

- _____ Pro Bono Annual Report and Plan for current year pp. 1-20 (10 copies)
- _____ Proposed budget pp 18-19 (10 copies)
- _____ Legal Service Provider Annual Progress Report p.11 (10 copies)
- _____ District Annual Progress Report p.12 (10 copies)
- _____ Enclosures (10 copies)
- _____ Disk in Word or Excel of all submitted materials or submission via e-mail at probono@inbar.org

ANNUAL TIME TABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
January 31:	IBF final grant progress report for previous year due
June 1:	IBF mid-year grant progress report due
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due (as needed)

Additional information concerning these instructions or the submission of a plan may be obtained from Jennifer Theresa Cloyd Konomos, Indiana Pro Bono Commission, 230 East Ohio Street, Fourth Floor Indianapolis, Indiana 46204 or by calling at 317-639-5465 or by e-mail at probono@inbar.org.